

1 CHRISTOPHER CHIOU
2 Acting United States Attorney
3 Nevada Bar No. 14853
4 KIMBERLY M. FRAYN
5 MINA CHANG
6 Assistant United States Attorneys
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101
Telephone: 702.388.6336
Kimberly.Frayn@usdoj.gov
7 *Attorney for the United States*

8

9

10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12

13 UNITED STATES OF AMERICA,
14 Plaintiff,
15 v.
16 DARNELE NELSON,
17 Defendant.

Case No. 2:20-cr-195-APG-EJY
**Stipulation to Continue the
Suppression Hearing Date
(First Request)**

18

19 IT IS HEREBY STIPULATED AND AGREED, by and between Christopher
20 Chiou, Acting United States Attorney, and Kimberly M. Frayn, Assistant United States
21 Attorney, counsel for the United States of America, and Todd Leventhal, Esq., counsel
22 for Darnele Nelson, that the suppression hearing in the abovementioned case, which is
23 currently scheduled for November 2, 2021 be continued and reset to a date and time
24 convenient to this Court, but for a period of not less than 90 days, for the following
25 reasons:

1 1. On or about August 5, 2020, Darnele Nelson was indicted on felony
2 charges of felon in possession of a firearm and ammunition. ECF 8. On or about August
3 14, 2020, the defendant was released on bond pending trial, which is presently set for
4 January 3, 2022. ECF 14, 27. A stipulation to also continue the trial date out at least 90
5 days will be contemporaneously filed. On or about August 5, 2021, Nelson filed a motion
6 to dismiss and a motion to suppress. ECF 28, 29. Oppositions to each motion was filed
7 by the government. ECF 37, 38. A hearing on the motion to suppress is currently set for
8 November 2, 2021.

9
10 2. The parties need additional time to prepare for the suppression hearing and
11 for trial if the evidence is not suppressed. Additionally, the government is having
12 availability difficulties with two government witnesses, who are both necessary for the
13 suppression hearing and the trial.

14 3. The defendant is not incarcerated and does not object to the continuance.

15 4. The parties agree to the continuance.

16 5. The additional time requested herein is not sought for purposes of delay,
17 but merely to allow the parties sufficient time within which to prepare for the suppression
18 hearing. Additionally, denial of this request for continuance could result in a miscarriage
19 of justice, and the ends of justice served by granting this request, outweigh the best
20

21 ///
22 ///
23 ///

1 interest of the public and the defendant in a speedy hearing.

2 6. This is the first stipulation to continue the suppression hearing date filed
3 herein.

4 DATED this 15th day of October, 2021.

5
6
7
8 */s/ Todd M. Leventhal, Esq.*
By _____
9 TODD M. LEVENTHAL
Counsel for Defendant Darnele Nelson

10 CHRISTOPHER CHIOU
United States Attorney

11 */s/ Kimberly M. Frayn*
By _____
12 KIMBERLY M. FRAYN
13 MINA CHANG
14 Assistant United States Attorneys

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
DARNELE NELSON,
Defendant.

Case No. 2:20-cr-195-APG-EJY

ORDER

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds:

THEREFORE, IT IS HEREBY ORDERED that the suppression hearing in the above-captioned matter, currently scheduled for November 2, 2021, be vacated and continued to a date and time convenient to this court, that is February 15, 2022, at the hour of 9:30 a.m, in Courtroom 3B.

DATED this 19th day of October 2021.

Elayna J. Youchah
HONORABLE ELAYNA J. YOUCRAH
United States Magistrate Court Judge